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Company

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ADMIRAL INSURANCE COMPANY,  
a Delaware corporation,

Plaintiff,

v.

J. DALE DEBBER; LORNA MARTIN;  
DATA CONTROL CORPORATION;  
ARISTOS ACADEMY; COMPLINE,  
LLC; PROVIDENCE  
PUBLICATIONS, LLC; REAL  
CONSULTING & SOFTWARE  
DEVELOPMENT, LLC; DEBBER  
FAMILY FOUNDATION; VICKIE  
ALTMAN; and SCOTT ALTMAN,

Defendants.

**Case No. 2:05-CV-00343-FCD-PAN**

**STIPULATION AND ORDER RE:  
DISMISSAL OF DEFENDANTS  
VICKIE ALTMAN AND SCOTT  
ALTMAN FROM ACTION  
WITHOUT PREJUDICE**

**Assigned to the Honorable Frank C.  
Damrell, Jr.**

WHEREAS, on February 22, 2005, plaintiff Admiral Insurance Company  
("Admiral") filed a complaint to rescind certain Employment Practices Liability  
Insurance policies issued by Admiral to Data Control Corporation for the policy  
period December 13, 2002 to December 13, 2003 bearing policy number  
4343312/1 and December 13, 2003 to December 13, 2004 bearing policy number  
4343312/2 (collectively "Admiral Policies");

WHEREAS, the Complaint filed by Admiral in this action ("Action")

1 named as defendants all of the parties to a now dismissed action filed in Nevada  
2 County Superior Court captioned *Vickie Altman, et al. v. J. Dale Debber, et al.*,  
3 bearing Case No. 69850, including but not limited to, plaintiffs Vickie and Scott  
4 Altman ("Altmans");

5 WHEREAS, the Altmans, by their counsel entering into this stipulation,  
6 acknowledge service of the complaint and consent to the Court's jurisdiction in the  
7 Action; and

8 WHEREAS, the Altmans do not wish to be parties to the Action or otherwise  
9 participate in the Action;

10 IT IS HEREBY STIPULATED by and between plaintiff and the Altmans  
11 through their respective counsel as follows:

12 1. The Altmans shall be dismissed as defendants in the Action without  
13 prejudice to the right of plaintiff Admiral to refile or renew its claims against the  
14 Altmans that are the subject of the Action.

15 2. The Altmans agree to be bound by all judicial orders, rulings,  
16 findings, conclusions, determinations, decrees and judgments issued in the Action  
17 in the same manner and to the same extent as if the Altmans had been parties to  
18 such Action.

19 3. All parties shall bear their own costs and attorneys fees in connection  
20 with the dismissal of the Altmans without prejudice.

21 4. All statutes of limitations, statutes regarding the prosecution of  
22 claims or the time within which a trial must be held or judgment must be entered,  
23 and all defenses based on delay in prosecution (collectively "Statutes of  
24 Limitations") with respect to claims of Admiral against the Altmans provided for  
25 by law, equity or judicial decision shall be tolled as provided herein. In the event  
26 that Admiral refiles or renews the Action or any causes of action or claims in  
27 connection with the Action in the future against the Altmans, the period from  
28 February 22, 2005, up to and including the date of refiling a renewal of the

1 Action, shall not be included for purposes of computing the applicable time  
2 periods for Statutes of Limitations, provided, however, that this tolling provision  
3 shall not in any way serve to extend any Statutes of Limitations that had already  
4 run as of and including February 22, 2005.

5 5. This Stipulation does not pertain to any other defendants in the  
6 Action and such other parties remain as defendants in the Action.

7  
8 Dated: June \_\_\_\_, 2005

**CHARLSTON, REVICH & CHAMBERLIN LLP**

9  
10 By: \_\_\_\_\_

11 Robert D. Hoffman  
12 Attorneys for Plaintiff Admiral Insurance  
13 Company

14 Dated: June \_\_\_\_, 2005

**HIROSHIMA, JACOBS, ROTH & LEWIS**

15  
16 By: \_\_\_\_\_

17 Phil Hiroshima  
18 Attorneys for Defendants Vickie Altman  
19 and Scott Altman  
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**ORDER**

Based upon the stipulation of the parties, as set forth above, and good cause appearing therefore,

IT IS HEREBY ORDERED that defendants Vickie Altman and Scott Altman are dismissed without prejudice from the captioned action on the terms and conditions set forth in said stipulation.

Dated: June 27, 2005

/s/ Frank C. Damrell Jr.  
UNITED STATES DISTRICT COURT JUDGE